

TUESDAY, November 11, 1851.

The Senate was called to order by the President—roll called, quorum present—the journal of yesterday was read and adopted.

Mr. Hill presented the memorial of sundry citizens of Freestone county: referred to the committee on the Judiciary.

Mr. Armstrong presented the petition of Nelson Morey, praying for land: referred to the committee on Private Land Claims.

The following communications were read:

To the Senate of Texas, now in session in this city:

GENTLEMEN:—I have read your resolution, requesting the pastors of the respective Christian denominations in the city to serve you with morning prayer, and have duly considered the same.

I have felt a desire that such office should be filled; but as the other gentlemen of the clergy, (as I have learned,) at least a majority of them, have declined the honor, for reasons satisfactory to themselves, respect for their opinions, and also for the opinions of a respectable minority of the Senate, induce me, also, most respectfully to decline.

Your ob't serv't,

W. A. SMITH,

Pastor of the Methodist Church, Austin, Texas.

AUSTIN, TEXAS, Nov. 8th, 1851.

Mr. W. D. MILLER:

Dear Sir:—Having received, through you, officially, the action of the Senate in reference to chaplain, I take this method of communicating, through you, to that Honorable Body, that after mature consideration, I do hereby most respectfully decline acting, under the circumstances.

Yours, with profound respect,

FINIS E. FOSTER,

Pastor of the Austin Congregation of the Cumberland Presbyterian Church.

Mr. W. D. MILLER, *Secretary of the Senate:*

Sir:—I have just received the resolution of the Senate, requesting the resident ministers to act alternately as chaplain for them.

Understanding that a large part of the Senate are opposed to having any chaplain, I must beg leave, as one of the resident ministers, most respectfully to decline serving.

Yours, with all respect,

WM. M. BAKER,

Pastor of the Presbyterian Church.

CITY OF AUSTIN, TEXAS, Nov. 7th, 1851.

On motion of Mr. Wilson, the communications were laid on the table.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported a bill to change the name of Mary Angeline Middleton to that of Mary Angeline Gill, and a bill to repeal an act incorporating the city of Brownsville, correctly engrossed.

Mr. Eddy, chairman of the committee on Contingent Expenses, made the following report:

The committee on Contingent Expenses, to whom was referred the resolution of the Senate, authorizing the Secretary of the Senate to purchase a suitable number of comfortable arm chairs with cushions, for the use of the Senate, have had the same under consideration, and, in view of the erection and completion of a new building designed and intended as a capitol, for the meeting of the next Legislature, and to avoid any additional expense, would report the same back to the Senate, and recommend its rejection.

Mr. Burks submitted the following report:

COMMITTEE-ROOM, Nov. 8th, 1851.

To Honorable JOHN A. GREER,

President of the Senate:

The undersigned, a minority of the special committee to whom was referred the petition of James M. Day, a citizen of Guadalupe county, respectfully begs leave to assign the reasons that, in part, have caused him to differ with a majority of said committee.

Standing alone in opposition to the matured opinions of the balance of the committee, would justify the silence, but for the importance of, and the growing tendency of, this system of legislating for special relief. The journals of past Legislatures will show a very large number of acts of this description. The State has already granted a much larger number of bounties, than there were ever soldiers engaged in her service, and yet the number of applications for special relief would appear to be increasing each year.

Taking into consideration all the testimony before us in this case, the undersigned is not fully satisfied that the disability of the petitioner was caused by the alleged wounds. This can only be a matter of opinion with the witnesses; while it is in testimony, that after the receiving of said wounds by the petitioner, for the space of twelve or eighteen months, he done good service as a common soldier. The disability might have originated from other causes, at variance with the honest opinion of the witnesses. And of the two surgeons, whose testimony was before us, (and

whose opinions are entitled to weight in cases of this sort,) there was a difference: one thinking the disability originated from the effects of said wounds, while the other was of opinion that it was produced by other causes.

Many of the soldiers of Texas who were never wounded in battle, have become disabled from the exposure and hardships incident to the service, and have as much claim on the gratitude of the State as many who were wounded; and yet none will be presumed to desire to open wider the door of relief in individual cases, fraught, as it would be, with the most ruinous consequences to the best interests of the State.

Painful as the task may be to stand in opposition to the wishes of a majority of the committee, and against the petition of one of the defenders of the honor and safety of Texas, yet the undersigned feels it to be a duty to report against the petition.

Respectfully submitted.

JOS. H. BURKS.

Mr. Wilson, chairman of the committee on Education, to whom was referred a bill to incorporate the Jasper Collegiate Institute, reported the same back to the Senate, and recommended its passage.

Mr. Wilson, from the committee on the Judiciary, made the following report:

COMMITTEE-ROOM, Nov. 10th, 1851.

To the Honorable JOHN A. GREER,

President of the Senate:

The committee on the Judiciary, having duly considered the subject embraced in the motion instructing them to "take under consideration the propriety of the passage of some law, by which a citizen of this State who conceives himself entitled to land, may institute suit in the District Court against the State," have instructed me to report, that in reference to those classes of land claims mentioned in section 2 of article 11 of the Constitution of this State, the Legislature is without authority to re-open the courts, inasmuch as that section not only fixes a time within which such claims must be established, if at all, but absolutely bars all such claims as were not established within that period; that there is no other class of claims known to this committee, to which the motion under consideration could fairly apply; and that your committee, very much doubting the policy of re-opening the courts for this species of litigation, even if the constitutional prohibitions were removed, could

not recommend an amendment of the constitution in this respect. All of which is respectfully submitted.

JAMES C. WILSON,

One of the Committee.

Mr. Grimes presented the memorial of the Rev. Daniel Baker, agent of Austin college: read, and, on motion of Mr. Grimes, referred to the committee on Education.

Mr. Duggan introduced a bill to provide an additional fund for the establishment of a system of public schools throughout the State of Texas: read first time.

Mr. Hart introduced a bill to amend the fourth section of an act for the relief of the citizens of Mercer's colony; read first time.

On motion of Mr. Davis, the vote which referred the resolution of the Senate, instructing the committee on the Judiciary to report a bill granting pay to persons who may have slaves executed according to law, &c., was re-considered, and the motion to refer withdrawn.

On motion of Mr. Dancy, the resolution was amended by striking out "to report," and inserting "to enquire into the expediency of introducing."

On motion of Mr. Gray, it was further amended by striking out "Judiciary Committee," and inserting "committee on State Affairs."

The resolution, as amended, was then adopted.

Mr. Merriman introduced a bill to provide for the service of process issuing from Justices Courts in certain cases: read first time.

Mr. Gray introduced a bill to abolish implied or secret liens on real estate: read first time.

Mr. Bigelow introduced a bill regulating division fences: read first time.

Mr. Eddy presented the following preamble and resolutions of a meeting of the citizens of San Augustine county, held in the town of San Augustine on the 22nd February, 1851; which were read and ordered to be spread upon the journals:

WHEREAS, by the mournful dispensation of Divine Providence, Texas has been deprived of one of her ablest statesmen, and the first Congressional District of a most faithful Representative; and,

WHEREAS, we deem it due to the distinguished worth and public services of Maj. Kaufman, to make some expression of our feelings of anguish at his loss; therefore,

Resolved, That it is with deep regret, and unfeigned sorrow,

that we have heard of the death of Hon. David S. Kaufman, Representative of the first Congressional District of this State in the United States Congress.

Resolved, That by his death, humanity has lost a friend, society an ornament, civil liberty a firm and undeviating advocate, Texas an able statesman, the Union a warm and ardent supporter, and the world a philanthropist.

Resolved, That we sincerely condole with the bereaved widow and orphans of the deceased, for their inconsolable and irreparable loss.

Resolved, As an additional testimony of our loss, that some individual be appointed by the chairman of this meeting, to deliver an appropriate eulogy on the life and character of Maj. Kaufman, on the fourth of July next.

Resolved, As a mark of respect for the distinguished dead, that the citizens of San Augustine county be requested to wear crape on the left arm for the space of thirty days.

Resolved, That these resolutions be signed by the Chairman and Secretary of this meeting; that a copy of the same be forwarded to the family of the deceased; one to the Texas delegation in Congress, with a request to present them in the Senate and House of Representatives, as the sense of this meeting at the death of Maj. Kaufman; one to the State Legislature, with a request to insert them on their journals; one to the Washington Union, with a request for publication, and that A. H. Evans, Esq., be also requested to publish the same in the Red-Land Herald.

Resolved, That this meeting adjourn to meet again, at some appropriate place, on the fourth of July next.

Which said preamble and resolutions were, upon motion, unanimously adopted.

On motion, it was resolved, that the Masonic Fraternity, together with the Independent Order of Odd Fellows and the Sons of Temperance, be requested to unite with the citizens generally in a public procession on the fourth day of July next.

On motion, the meeting adjourned to meet again on the 4th day of July next.

JOHN G. LOVE, Chairman.

BURWELL J. LEWIS, Secretary.

Mr. Armstrong presented the petition of the heirs of Levi P. Lockhart, praying for land, referred to the committee on Private Land Claims.

On motion of Mr. Gray, so much of the Governor's message as relates to the Judicial Department and Attorney General's

report, was referred to the committee on the Judiciary—so much as relates to the Finances, to the committee on Finance—so much as relates to the public debt of the late Republic, to the committee on the Public Debt—so much as relates to our Federal relations, to the committee on State Affairs—so much as relates to the public lands and Land Office, to the committee on Public Lands—so much as relates to frontier defences and Indian depredations, to the committee on Indian Affairs—and so much as relates to public schools and colleges, to the committee on Education.

ORDERS OF THE DAY.

The resolution of the Senate instructing the committee on Printing and Contingent Expenses to contract for the printing of copies of the Governor's message, and such accompanying documents, as said committee may find necessary to have printed for the use of the Senate; read.

Mr. Meusebach moved to amend the resolution by adding the following:

And also copies of the Governor's message in the German-language, and copies of the message in the Spanish language; carried.

Mr. Sterne offered the following as a substitute for the resolution:

Resolved, That the committee on Printing and Contingent Expenses be authorized and required to contract for the printing of copies of the Governor's message, and number of such of the accompanying documents as said committee may deem necessary, and number of the message in the German, and number in the Spanish language, for the use of the Senate; rejected.

Mr. Parker moved to fill the first blank with 2,000; lost.

Mr. Parker moved to fill it with 1,500; lost.

On motion of Mr. Burleson, the blank was filled with 1,000.

On motion of Mr. Meusebach, the second blank was filled with 270.

On motion of Mr. Bigelow, the third blank was filled with 250.

Mr. Hill moved to amend the resolution, by inserting 270 copies of such of the accompanying documents as the committee may deem necessary; carried.

The resolution, as amended, was then adopted.

On motion of Mr. Grimes, the Senate adjourned until 3 o'clock, p. m.

3 o'clock, P. M.

The Senate was called to order by the President pro tem—roll called—quorum present.

A bill better defining the boundaries of Cameron county; read second time, and, on motion of Mr. Bigelow, referred to the committee on Counties and County Boundaries.

A bill to incorporate the town of Jasper; read second time, and, on motion of Mr. Eddy, referred to the committee on the Judiciary.

The resolution of the Senate, requesting the committee on Education, to report to the Senate, at as early a day as practicable, a bill to provide for the establishment and maintenance of a general and uniform system of free common public schools, throughout the State; read.

Mr. Hill moved to amend the resolution by striking out "practicable," and inserting the words, "may by them be deemed expedient;" carried, and resolution as amended adopted.

The resolution of the Senate requesting the Governor to obtain from some competent architect, or master builder, a plan of a building for a State Capitol, etc; read.

Mr. Hart moved to amend the resolution by striking out the words, "but on as cheap a plan as practicable;" lost—the resolution was then adopted.

The resolution of the Senate, relative to the system of laws now in force, known as the Probate laws, etc.; read.

Mr. Dancy offered the following as a substitute for the resolution:

Resolved, That the Judiciary committee be instructed to report such amendments to the law relating to the estates of deceased persons, as may be deemed necessary by them; adopted.

Mr. Davis offered the following resolution:

Be it resolved, That the Judiciary committee be required to inquire into the propriety and necessity of passing some law regulating the community property of husband and wife, in case of the death of either, and report by bill or otherwise.

Mr. Taylor offered the following resolution:

Resolved, That the Judiciary committee be instructed to inquire how far the laws intended to protect the rights of the heirs and next of kin of the Georgia battallion have been complied with, and whether by administrations or otherwise, the heirs of the volunteers and soldiers of the army of Texas have been impeded in their rights, or defrauded of the money or lands due them for their services; and if it shall be so found, or appear to them, that these parties are not sufficiently protected,

that they be instructed to report a bill to protect them against the consequences of unauthorized interference with such estates, and to prevent and punish such attempts at fraud in future.

On motion of Mr. Hill, that portion of the Governor's message which relates to the uncertainty of tenure in lands in Peters' Colony, be referred to a special committee.

Messrs. Hill, Bogart and Bigelow, were appointed said committee.

On motion of Mr. Hart, the Senate adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, November 12, 1851.

The Senate was called to order by the President, pursuant to adjournment—roll called—quorum present—the journal of yesterday read and adopted.

A message was received from the House, informing the Senate that the two Houses, with the concurrence of the Senate, would elect a public printer for the State at 11 o'clock to-day.

Mr. Taylor, chairman of the committee on Private Land Claims, to whom was referred the petition of Richard Parmlee, assignee of Baltzar Orset, reported the same back to the Senate, and recommended that it be referred to the committee on Public Lands.

Mr. Taylor, chairman of the committee on Private Land Claims, to whom was referred the petition of Richard Parmlee, assignee of Cecilia Fernandes, reported the following bill, and recommended its passage :

A bill for the relief of Richard Parmlee: read first time.

Mr. Merriman, from the committee on the Judiciary, to whom was referred a bill to secure the right of redemption in lands sold under execution, reported that the committee have had the same under consideration, and are unanimously of opinion that the provisions of said bill are impolitic, inexpedient and unjust ; and that the laws already in force are amply sufficient to protect all just rights of judgment debtors and creditors, contemplated by said bill ; and, therefore, report the bill back to the Senate, and recommend that it be laid on the table.

Mr. Armstrong, from the committee on the Judiciary, to whom was referred a bill to incorporate the town of Jasper, reported the same back to the Senate, with the following substitute for the sixth section :